



VIA HAND DELIVERY MAY 7, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rosen et al

Docket No.: PS-805

Application No.: 09/950,083

Group Art Unit: 1634

Filed: September 12, 2001

Examiner: M. Sheinberg

For: **Protein HDPKC55**
(As Amended Herein)

PRELIMINARY AMENDMENT AND PROVISIONAL ELECTION
WITH TRAVERSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 7, 2003, please consider the following amendments, traversal, provisional election, and remarks. Applicants submit concurrently herewith: (a) a Fee Transmittal Sheet (in duplicate); (b) a computer readable format of the Sequence Listing on CD-ROM; (c) a Statement Under 37 C.F.R. § 1.825; (d) Exhibits A-E; and (e) an Information Disclosure Statement with a Form PTO/SB/08A and copy of references AA-AG.

Prior to examining the captioned application, Applicants respectfully request the entry of the following amendments.

05/08/2003 MBLANCO 00000010 083425 09950083

01 FC:1202 324.00 CH
02 FC:1201 252.00 CH



16 PH

1634
CD-16
Rox
JP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Approved for use through 10/31/2002. OMB 0851-0032

FEE TRANSMITTAL		Complete if Known	
for FY 2003			
Patent fees are subject to annual revision.			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/950,083-Conf. #9454
		Filing Date	September 12, 2001
		First Named Inventor	Craig A. Rosen
		Examiner Name	M. Sheinberg
		Group Art Unit	1634
TOTAL AMOUNT OF PAYMENT	(\$) 576.00	Attorney Docket No.	PS805

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 08-3425 Deposit Account Name: Human Genome Sciences, Inc. The Commissioner is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1612</td><td>2,520</td><td>1612</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1604</td><td>920*</td><td>1604</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per proerty (times number of proerties)</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify)</td><td></td><td></td></tr> <tr> <td colspan="4">SUBTOTAL (1) (\$) 0.00</td> <td colspan="2">SUBTOTAL (3) (\$) 0.00</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1612	2,520	1612	2,520	For filing a request for <i>ex parte</i> reexamination		1604	920*	1604	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per proerty (times number of proerties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(b))		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify)						SUBTOTAL (1) (\$) 0.00				SUBTOTAL (3) (\$) 0.00	
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																		
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																																	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																	
1053	130	1053	130	Non-English specification																																																																																																																																																																																																	
1612	2,520	1612	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																	
1604	920*	1604	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																	
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																	
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																																	
1253	930	2253	465	Extension for reply within third month																																																																																																																																																																																																	
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																																	
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																																	
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																																	
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																																	
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																	
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																	
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																	
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																																	
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																																	
1502	470	2502	235	Design issue fee																																																																																																																																																																																																	
1503	630	2503	315	Plant issue fee																																																																																																																																																																																																	
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																	
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per proerty (times number of proerties)																																																																																																																																																																																																	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(b))																																																																																																																																																																																																	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																	
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																																	
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																	
Other fee (specify)																																																																																																																																																																																																					
SUBTOTAL (1) (\$) 0.00				SUBTOTAL (3) (\$) 0.00																																																																																																																																																																																																	
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="4">SUBTOTAL (1) (\$)</td><td></td><td>0.00</td></tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1) (\$)					0.00	2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE <table border="1"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr><td>Independent Claims</td><td>41</td><td>-23** =</td><td>18</td><td>x</td><td>18.00 =</td><td>324.00</td></tr> <tr><td>Multiple Dependent</td><td>8</td><td>-5** =</td><td>3</td><td>x</td><td>84.00 =</td><td>252.00</td></tr> <tr><td colspan="6">SUBTOTAL (2) (\$)</td><td>576.00</td></tr> </tbody> </table>				Total Claims		Extra Claims		Fee from below		Fee Paid							Independent Claims	41	-23** =	18	x	18.00 =	324.00	Multiple Dependent	8	-5** =	3	x	84.00 =	252.00	SUBTOTAL (2) (\$)						576.00																																																																																																														
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																		
1001	750	2001	375	Utility filing fee																																																																																																																																																																																																	
1002	330	2002	165	Design filing fee																																																																																																																																																																																																	
1003	520	2003	260	Plant filing fee																																																																																																																																																																																																	
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																																	
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																																	
SUBTOTAL (1) (\$)					0.00																																																																																																																																																																																																
Total Claims		Extra Claims		Fee from below		Fee Paid																																																																																																																																																																																															
Independent Claims	41	-23** =	18	x	18.00 =	324.00																																																																																																																																																																																															
Multiple Dependent	8	-5** =	3	x	84.00 =	252.00																																																																																																																																																																																															
SUBTOTAL (2) (\$)						576.00																																																																																																																																																																																															
Large Entity Small Entity <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th rowspan="2">Fee Description</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td></tr> <tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td></tr> <tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>** Reissue independent claims over original patent</td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td></tr> <tr><td colspan="4">SUBTOTAL (2) (\$)</td><td>576.00</td></tr> </tbody> </table>				Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	1202	18	2202	9	Claims in excess of 20	1201	84	2201	42	Independent claims in excess of 3	1203	280	2203	140	Multiple dependent claim, if not paid	1204	84	2204	42	** Reissue independent claims over original patent	1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	SUBTOTAL (2) (\$)				576.00	Other fee (specify) *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 0.00																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description																																																																																																																																																																																																	
1202	18	2202	9		Claims in excess of 20																																																																																																																																																																																																
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																																	
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																																	
1204	84	2204	42	** Reissue independent claims over original patent																																																																																																																																																																																																	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																	
SUBTOTAL (2) (\$)				576.00																																																																																																																																																																																																	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Janet M. Martineau	Registration No. (Attorney/Agent)	46,903
Signature		Telephone	(301) 315-2723
		Date	May 7, 2003